

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD WHITEHURST,

Plaintiff,

No. C 13-00969 JSW

v.

CVS PHARMACY, ET AL.,

**ORDER OF TRANSFER**

Defendants.

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Now before the Court is Defendants' motion to dismiss and to strike. The Court finds the matter suitable for resolution without oral argument and vacates the hearing date of August 30, 2013. *See* N.D. Civ. L.R. 7-1(b). Having read the parties' papers and carefully considered their arguments, and good cause appearing, the Court hereby TRANSFERS this action to the United States District Court for the Central District of California.

The Complaint filed in this matter is premised upon the same allegations made in a prior case in that district. The prior case was dismissed based on Plaintiff's voluntary motion to dismiss. In granting dismissal without prejudice, the Court specifically held that "if the claims made in this case are ever presented in another case, they must be brought before this Court." *See Whitehurst v. CVS Pharmacy, et al.*, CV-04163 AG (Anx) (Order dated July 24, 2012). Accordingly, the Court TRANSFERS this matter forthwith.

**IT IS SO ORDERED.**

Dated: August 21, 2013

  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD WHITEHURST,

Plaintiff,

v.

CVS PHARMACY et al,

Defendant.

Case Number: CV13-00969 JSW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 21, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard Whitehurst  
2829 82nd Avenue  
Oakland, CA 94605



Dated: August 21, 2013

Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk